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FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO December 9, 20 13  
BY Jan McHone ANALYST

8 **BEFORE THE**  
9 **PHYSICIAN ASSISTANT BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1E-2012-222862

12 **JAIME URIEL LOPEZ, P.A.**  
1010 Kennedy Dr.  
13 Winters, CA 95694

**ACCUSATION**

14 **Physician Assistant's License No. PA 17906**

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Glenn L. Mitchell, Jr. (Complainant) brings this Accusation solely in his official  
21 capacity as the Executive Officer of the Physician Assistant Board, Department of Consumer  
22 Affairs. On or about May 4, 2005, the Physician Assistant Board of California issued Physician  
23 Assistant's License Number PA 17906 to Jaime Uriel Lopez, P.A. (Respondent). The Physician  
24 Assistant's License was in full force and effect at all times relevant to the charges brought herein  
25 and will expire on November 30, 2014, unless renewed.

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## JURISDICTION

2. This Accusation is brought before the Physician Assistant Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

3. Section 3504 of the Code establishes a Physician Assistant Board within the jurisdiction of the Medical Board of California.

4. Section 3527 of the Code provides that the Board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a physician's assistant license for unprofessional conduct.

5. Section 726 of the Code states:

"The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3.

"This section shall not apply to sexual contact between a physician and surgeon and his or her spouse or person in an equivalent domestic relationship when that physician and surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse or person in an equivalent domestic relationship."

6. Section 2234 provides in pertinent part that disciplinary action may be taken against a licensee who is charged with unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [chapter 5, the Medical Practices Act].

"(b) Gross Negligence.

"(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon."

**FIRST CAUSE FOR DISCIPLINE**

**(Sexual Misconduct)**

**[Bus. & Prof. Code § 726]**

7. Respondent is subject to disciplinary action under section 726 in that he engaged in sexual misconduct with patient E.H.<sup>1</sup> The circumstances are as follows:

8. Beginning in at least July 2009, Respondent had an ongoing physician-patient relationship with patient E.H. At some point, Respondent's relationship with E.H. evolved into one that included "consensual flirting." Respondent also became aware that E.H. had made statements about wanting a sexual relationship with him.

9. On or about October 27, 2011, E.H. was seen by Respondent for the stated purpose of a bladder infection. On this visit, E.H. had a normal urinalysis. During this visit, Respondent exposed his penis to patient E.H.

10. From approximately September 2011 through December 5, 2012, Respondent and E.H. exchanged numerous phone calls and/or text messages of a personal nature.

11. Respondent's actions constitute sexual misconduct and subject him to discipline within the meaning of section 726.

**SECOND CAUSE FOR DISCIPLINE**

**(Gross Negligence)**

**[Bus. & Prof. Code § 2234(b)]**

12. Complainant realleges paragraphs 8-10 above, and incorporates them by reference as if fully set forth herein.

13. Respondent is subject to disciplinary action under section 2234(b) in that his actions constitute gross negligence and subject him to discipline within the meaning of section 2234(b).

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<sup>1</sup> The patient's name is abbreviated herein to protect patient confidentiality. The patient's full name will be provided upon receipt of a properly executed and served Request for Discovery.

**THIRD CAUSE FOR DISCIPLINE**

**(Dishonesty)**

**[Bus. & Prof. Code § 2234(e)]**

14. Respondent is subject to disciplinary action under section 2234(e) in that Respondent was not honest with City of Dixon Police Officer Giovanetti and Medical Board Investigator Roberto Moya regarding his relationship with E.H. The circumstances are as follows:

15. Complainant realleges paragraphs 8-10 above, and incorporates them by reference as if fully set forth herein.

16. On or about August 22, 2012, Dixon Police Officer Giovanetti interviewed Respondent about his relationship with E.H. During this interview, Respondent stated that late in 2011, E.H. made up a medical excuse to see Respondent. During that visit, E.H. straddled Respondent while he was seated and engaged in conduct aimed towards arousing Respondent. After about a minute, Respondent tried to break off the encounter. E.H. then sat on the exam table, removed her panties, handed them to Respondent, and told him that the panties were for him. Respondent then left the room.

17. On or about September 20, 2012, Medical Board Investigator Moya interviewed Respondent about his relationship with E.H. During this interview, Respondent initially told Investigator Moya the same description that he had told Dixon Police Officer Giovanetti and specifically denied that he had exposed his penis to E.H. Respondent subsequently reneged and admitted that he had exposed his penis to E.H.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physician Assistant Board of California issue a decision:

1. Revoking or suspending Physician Assistant's License Number PA 17906, issued to Jaime Uriel Lopez, P.A.

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1           2.     Ordering Jaime Uriel Lopez, P.A. to pay the Physician Assistant Board of California  
2 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
3 Professions Code section 125.3;

4           3.     Taking such other and further action as deemed necessary and proper.

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6 DATED: December 9, 2013



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GLENN L. MITCHELL, JR.  
Executive Officer  
Physician Assistant Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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